

**STATE OF TENNESSEE**  
OFFICE OF THE  
**ATTORNEY GENERAL**  
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May 14, 2003

Opinion No. 03-064

Tenure of County Financial Management Committee

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**QUESTION**

Under the County Financial Management System of 1981, Tenn. Code Ann. § 5-21-104, a county financial management committee is created in a county that adopts the system. The committee consists of the county executive, supervisor of highways, superintendent of education, “and four (4) members elected by the county legislative body at its regular September session of each year or at any subsequent session.” In a county operating under this system, may the county legislative body replace these four members with different members at any time, or do they serve a one-year term?

**OPINION**

These members, if elected at the commission’s regular September session, will serve until the regular September session the next year. If they are elected at a session later than the regular September session, then they will serve until the regular September session of the next year, or, if no election is held during that session, until the session after the regular September session in which the county commission elects new members to this committee. During such time, the members may only be removed for misconduct by initiating an ouster proceeding under Tenn. Code Ann. §§ 8-47-101, *et seq.*

**ANALYSIS**

This opinion concerns the authority of a county legislative body to replace certain members of the county financial management committee in a county that has adopted the County Financial Management System of 1981, Tenn. Code Ann. §§ 5-21-101, *et seq.* Tenn. Code Ann. § 5-21-104 provides in relevant part:

(a) A county financial management committee is hereby created.

(b)(1) The committee shall consist of the county executive, supervisor of highways, superintendent of education, and four (4) members elected by the county legislative body at its regular September session of each year or at any subsequent session.

(2) The four (4) members elected by the county legislative body need not be members of such body.

Tenn. Code Ann. § 5-21-104(a) and (b). The county legislative body sets the compensation based on the service and time rendered in implementing the statutory scheme for members of the financial management committee, along with other committees created under the statute. Tenn. Code Ann. § 5-21-122. The question is whether the four members elected under § 5-21-104(b) serve for a full year from the time they are elected, or whether the county commission may replace these members at any time.

The statute does not expressly provide that these four members serve for any particular term. But the statute states that the members are elected by the county legislative body “at its regular September session *of each year* or at any subsequent session.” (Emphasis added). County commissioners’ terms begin on September 1 next succeeding their election. Tenn. Code Ann. § 5-5-102(g). The term “session” appears to refer to a county commission meeting. *See, e.g.*, Tenn. Code Ann. § 5-5-105 (The county executive may convene the legislative body in a “special session”); Tenn. Code Ann. § 5-5-106 (“[e]very member of the county legislative body shall be required to attend each and every session of the body . . .”). The statute implies, therefore, that the four members, if elected at the commission’s September session, will serve until the regular September session the next year. If they are elected at a session later than the regular September session, then they will serve until the regular September session of the next year, or, if no election is held during that session, until the session after the regular September session in which the county commission elects new members to this committee.

The statutory scheme does not authorize the county commission to remove members of the financial management committee once they have been elected. State law provides that a state or local officer may, generally, be removed for misconduct through ouster proceedings. Tenn. Code Ann. §§ 8-47-101, *et seq.* This Office is unaware of any other authority by which a duly elected member of the county financial management committee may be removed from office. Therefore, the four members of the county financial management committee elected under Tenn. Code Ann. § 5-21-104(a), if elected at the commission’s regular September session, will serve until the regular September session the next year. If they are elected at a session later than the regular September session, then they will serve until the regular September session of the next year, or, if no election is held during that session, until the session after the regular September session in which the county commission elects new members. During such time, they may only be removed for misconduct by initiating an ouster proceeding under Tenn. Code Ann. §§ 8-47-101, *et seq.*

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